

Entered - 11/24/09 - sb  
CL- 09L0903 - Angelena Kelly

10- R -0190

Claim of: Hilton Miller  
515 Tufton Trail  
Atlanta, GA 30354

For damages alleged to have been sustained as a result of a  
vehicular accident on April 23, 2009 at 2194 Browns Mill  
Road.

THIS ADVERSED REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

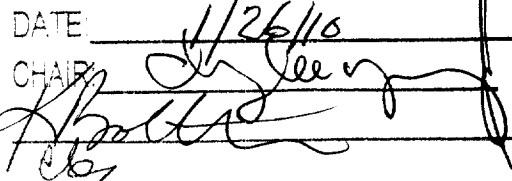
## ADVERSE REPORT

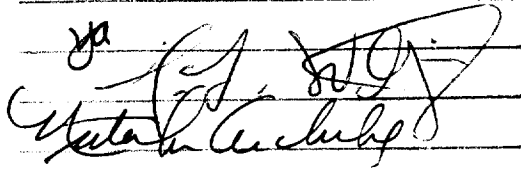
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE

CHAIR

1/26/10  




FEB 01 2010

FEB 02 2010

FEB 01 2010

ADVERSED BY  
CITY COUNCIL



OFFICE OF MUNICIPAL CLERK

**RHONDA DAUPHIN JOHNSON**  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6030  
FAX (404) 658-6273

February 9, 2010

Hilton Miller  
515 Tufton Trail  
Atlanta Georgia 30354

**10-O-0190**

Dear Hilton Miller

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 1, 2010. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

A handwritten signature in cursive script that reads "Rhonda Dauphin Johnson".

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0903

Date: December 30, 2009

Claimant /Victim: Hilton Miller

BY:(Atty)(Ins. Co.)

Address: 515 Tufton Trail, Atlanta, GA 30354

Subrogation:            Claim for Property damage \$            Bodily Injury \$           

Date of Notice: 10/26/09 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 4/23/09 Place: 2194 Brownsmill Road

Department:            Bureau:            Office:           

Employee involved:            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that he sustained personal injury when the vehicle he was driving was struck by an Atlanta Public School Bus. The investigation determined that the vehicle that struck the claimant is owned by the Atlanta Public School System which is a separate legal entity from the City of Atlanta. The claimant has been advised to pursue this claim with the Atlanta Public School System.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures            Diagrams            Reports: Police            Dept Report            Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental            Ministerial           

Improper Notice            More than Six Months            Other            Damages reasonable           

City not involved X Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$            Adverse X Account charged: General Fund            Water & Sewer            Aviation           

Claims Manager:  Concur/date 01/07/10

Committee Action:            Council Action

82 10/20  
RECEIVED  
OFFICE OF  
MUNICIPAL CLERK  
2009 OCT 26 AM 9:19

**HILTON R. MILLER  
ATTORNEY AT LAW**

515 Tufton Trail  
Atlanta, Georgia 30354  
(770) 374-4343

1 Kelly  
11/13/09

ENTERED - 11-24-09 - SB  
09L0903 - A. KELLY

October 12, 2009

The Governing Authority of the City of Atlanta  
Municipal Clerk's Office  
55 Trinity Avenue, S.W.  
Suite 2700  
Atlanta, Georgia 30335

Re: Hilton Miller, 515 Tufton Trail Atlanta, Georgia 30354

**NOTICE - ANTI LITEM**

Liabile Parties: City of Atlanta, City of Atlanta Public Schools, Atlanta  
Board of Education, and Jeorline White  
Date of Loss: 4/23/2009  
Ins. Claim No.: 908 (ICE INC.)

To Whom It May Concern:

This notice and demand is directed to you as the Governing Authority of the City of Atlanta regarding a claim for personal injuries being made against the City of Atlanta and the City of Atlanta Public Schools and the Atlanta Board of Education. If you object to receiving this notice on behalf of the City of Atlanta Public Schools and Atlanta Board of Education, please advise as soon as possible. Pursuant to O.C.G.A. § 36-33-5, this letter places the City of Atlanta and Atlanta Public Schools and Atlanta Board of Education on notice of Hilton Miller's claim for personal injuries so that these claims may be addressed and adjudicated. Additionally, this letter is written notice to establish a claim for prejudgment interest pursuant to the Georgia Unliquidated Damages Interest Act, O.C.G.A. § 51-12-14.

As required by O.C.G.A. § 36-33-5, Hilton Miller provides the following information:

1. Time of Accident: Approximately 7:53 a.m., Thursday,  
April 23, 2009;
2. Place of Accident:
3. Extent of Injury: Closed head injury, involving Contusions in  
the medial frontal lobes; Memory Loss;

syncope; scarring and bruising to the face, leg, and arms; multiple traumatic injuries to other parts of the body including glass in ear, hair, and encroached in the skin; whiplash; neck pain, upper back pain, lower back pain, numbness in fingers, neck and toes; radiculopathy; Post Concussion Syndrome; and Post Traumatic Stress Disorder.

4. Negligence Causing Injury: While in the scope and course of her Employment with Atlanta Public Schools, Jeorline White violated Georgia Law by failing to yield and was properly cited by a uniform officer. While in the scope and course of her employment Ms. White negligently ran over Mr. Miller's vehicle as he proceeded North near 2194 Brownsmill Road and Carey Drive South East.

We do not believe there is any question regarding liability for our client's injuries. Pursuant to the provisions of O.C.G.A. § 51-12-14, Mr. Miller will be entitled to receive interest on the sum claimed if, upon the trial of this case, he receives a judgment in an amount not less than the sum demanded. Interest will be computed at a rate of 12% per annum and will begin to accrue from the 30<sup>th</sup> day following the date of the mailing of this notice.

In accordance with O.C.G.A. § 33-3-28, we request that you provide the following information in regard to each policy of insurance issued to your insured:

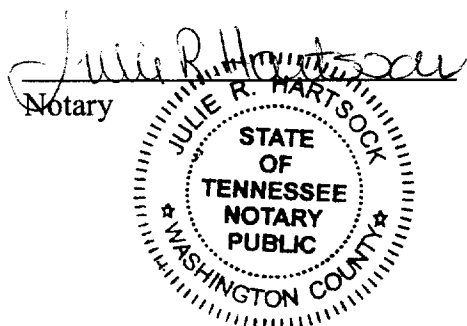
- (1) Name, address, and telephone number of each insurer;
- (2) Name of each insured; and,
- (3) Limits of coverage, including any excess of umbrella coverage.

We appreciate your attention to this matter and look forward to working with you to resolve this claim. This letter is written in furtherance of settlement, and nothing contained herein shall be deemed admissible except to enforce a claim for prejudgment interest or to verify ante litem notice pursuant to O.C.G.A. 36-33-5.

Sworn to and subscribed  
Before me this 12th day  
of October 2009.

Sincerely,

  
Hilton R. Miller



10- R -0190

RCS# 42  
2/01/10  
2:07 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

B Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		<b>02-01-10</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>	<b>ITEMS ADVERSED ON CONSENT</b>
1. 10-O-0118	36. 10-R-0182	
2. 10-O-0119	37. 10-R-0183	
3. 10-O-0120	38. 10-R-0184	
4. 10-O-0121	39. 10-R-0185	
5. 10-O-0122	40. 10-R-0186	
6. 10-O-0123	41. 10-R-0187	
7. 10-O-0126	42. 10-R-0188	
8. 10-O-0127	43. 10-R-0189	
9. 10-O-0128	44. 10-R-0190	
10. 10-O-0129	45. 10-R-0191	
11. 10-O-0220	46. 10-R-0192	
12. 10-O-0221	47. 10-R-0193	
13. 10-O-0057	48. 10-R-0194	
14. 10-O-0135	49. 10-R-0195	
15. 10-R-0134	50. 10-R-0196	
16. 10-R-0162	51. 10-R-0197	
17. 10-R-0227	52. 10-R-0198	
19. 10-R-0164	53. 10-R-0199	
20. 10-R-0165	54. 10-R-0200	
21. 10-R-0166	55. 10-R-0201	
22. 10-R-0169	56. 10-R-0202	
23. 10-R-0170	57. 10-R-0203	
24. 10-R-0171	58. 10-R-0204	
25. 10-R-0222	59. 10-R-0205	
26. 10-R-0228		
27. 10-R-0173		
28. 10-R-0174		
29. 10-R-0175		
30. 10-R-0176		
31. 10-R-0177		
32. 10-R-0178		
33. 10-R-0179		
34. 10-R-0180		
35. 10-R-0181		